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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3868/2024 & CRL.M.A. 37334/2024**

ASHISH RANA AND ANOTHER Petitioner

Through: **Mr. Vijay Kasana and Mr. Chirag Verma, Advocates**

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: **Mr. Amol Sinha, ASC (CRL)**
for the State
Insp. Ranbir Singh, PS Okhla Industrial Area

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.03.2025**

1. This Petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of FIR No. 499/2021 dated 16.06.2021 registered under Sections 420/201/34 of the Indian Penal Code, 1860 read with Sections 66C/66D of the Information Technology Act, 2000 at Police Station (P.S.) Okhla Industrial Area, New Delhi on the basis of settlement.

2. Learned counsel for the Petitioners states that the subject FIR was lodged at the instance of Respondent No. 2, alleging that the Petitioners committed cyber-fraud and deceived the Respondent of Rs. 16,900/-. However, he submits that the matter has been amicably settled between the parties, and the Petitioners have paid Rs. 20,000/- as compensation to



Respondent No. 2. He states that an affidavit dated 10.12.2024 has been filed by Respondent No. 2, in support of the present petition recording his no objection.

3. In reply, learned ASC appearing for the Respondent-states vehemently opposes the relief sought by the Petitioners. He contends that the offence alleged in the FIR is not merely of a personal nature but involves cyber-fraud leading to defrauding of an innocent individual. He states that cyber-fraud not only jeopardizes the financial security and trust of individuals on financial payment gateways/platforms, but also potentially expose the broader public to similar threats.

3.1 He states that the Petitioners are part of an organized syndicate engaged in online fraud. He states that their modus operandi involves calling unsuspecting individuals under the pretext of offering job opportunities while falsely using the name of a reputed online job platform, 'Naukri.com.' He states that upon gaining the victims' trust, the Petitioners request a nominal fee for job application processing or platform registration. He states that Petitioners then provide a customized payment link that closely resembles 'Naukri.com,' making it difficult for victims to distinguish between a genuine and fraudulent link. He states that although the link appears to deduct only a nominal amount, in reality, a significantly larger sum is withdrawn from the victim's bank account. He states that the siphoned funds are then transferred through circuitous transactions to obscure the money trail.

3.2 He states that during the investigation into the subject FIR, it was revealed that the Petitioners had previously been arrested by the Cyber-Cell, SED, in connection with FIR No. 444/2021, registered under Section 420



IPC at P.S. Kalkaji, New Delhi. In that case, they allegedly employed a similar modus operandi to defraud an individual named Sartaj Khurana. He states that CDR analysis and analysis of the money trail directly links the Petitioners to the said cyber-fraud syndicate.

3.3 He states that since the amounts of which victims are defrauded in these cyber-frauds are small in number; for instance, Rs. 5,000/- etc. sometimes victims do not report the crime and this works to the advantage of the accused persons. It is therefore necessary that the role of the Petitioners and their syndicate is investigated and the Trial taken to its logical conclusion.

4. In response, learned counsel for the Petitioners states that the criminal priors of the Petitioners for similar offences cannot be a ground for not considering the prayer for quashing based on settlement and he relies upon the Judgment of Supreme Court in **Mohammad Wajid v. State of U.P**¹.

5. This Court has heard the learned counsel for the parties and perused the record.

6. The case of complainant in the subject FIR is that on 07.06.2021, Complainant received a call from mobile number 7379341648 by a person impersonating a Naukri.com representative. The caller promised a job in Gurgaon and asked him to upload documents via a fraudulent link (<https://www.naukrihub.in>). Upon attempting to pay a Rs. 10/- form fee, Rs. 16,900/- was fraudulently deducted from his account. When he contacted the scammers, they asked for an OTP, after which they stopped responding upon which the subject FIR was registered.

¹ 2023 SCC Online SC 951, Paragraph 38



7. The prosecution in the status report dated 01.03.2025 has stated that during the investigation, it was found that Petitioner no. 1/Ashish Rana, was arrested in FIR No. 444/2021, P.S. Kalkaji, where also he had used a similar modus operandi to cheat another complainant, Sartaj Khurana, of Rs. 5,000/- via a fraudulent job portal (www.naukricareer.in). Call Detail Records (CDR) and financial analysis linked Petitioner no. 1 and his brother-in-law Petitioner no. 2/Sudhir Kharb to an organized fake job fraud call-center operating from H. No. 1, Metro Pillar No. 800, Vipin Garden, Dwarka Mor, Delhi. Multiple IMEI numbers, bank accounts, and digital wallets (Airtel Payments Bank, Paytm, and Yips Wallet) were used to divert the stolen money.

8. It is stated that Petitioner no. 1 was formally arrested on 29.06.2021 in the subject FIR No. 499/2021 from Tihar Jail, and during interrogation, he admitted his involvement. Further investigation led to the arrest of Petitioner no. 2 on 17.08.2021, from whom a laptop, mobile phone, and bank passbooks were recovered. Petitioner no. 2 confessed to destroying other electronic evidence, leading to the addition of Section 201 IPC in the case.

9. It is stated that the investigation confirmed that the accused were running an organized cyber-fraud operation, using fake job offers to deceive victims and siphon money through fraudulent payment gateways.

10. It is stated that the charge-sheet stands filed in this case. A perusal of the order dated 12.07.2024 of the Trial Court shows that the Trial Court has directed further investigation with respect to other victims and directed filing of a supplementary charge-sheet.

11. Before opining on the rival contentions, it would be apposite to refer to the Judgement of the supreme court in the case of **Parbatbhai Aahir v.**



State of Gujarat² wherein the Supreme Court has laid down broad principles for High Courts exercising jurisdiction under Section 482 Cr.P.C. for quashing proceedings on the ground of settlement. The Supreme Court has categorically held that economic offences which affect the overall wellbeing of the state cannot be considered as private dispute and therefore, caution has to be maintained before quashing such disputes. The relevant extract reads as under:

“16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. **Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour.** The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(Emphasis Supplied)

12. Coordinate Bench of this Court in **Achal Rana v. GNCTD and Anr.**³, while dealing with the identical issue of quashing of FIR alleging cyber-fraud on the basis of the settlement held that the consequences of cyber-crimes go beyond individual boundaries, impacting numerous unsuspecting victims and they they not only jeopardize the financial security and trust of individuals on financial payment gateways/platforms, but also potentially expose the broader public to similar threats and therefore these FIR should not be quashed. The relevant extract of the said Judgement reads as under:

² (2017) 9 SCC 641

³ 2023 SCC OnLine Del 5804



“13. In adjudicating the present matter, it is crucial to weigh the competing interests and circumstances that have been brought to the knowledge of this Court. The accused, in the present case, has sought the quashing of criminal proceedings, primarily asserting that an amicable settlement has been reached with the complainant. While the principles of quashing of criminal proceedings on the basis of settlement are well-settled through catena of judgments of Hon'ble Apex Court, it is equally important to scrutinize the nature and gravity of the alleged offences well as the wider implications it may have.

14. Upon careful examination of the material placed on record, it becomes evident that this case extends beyond the realm of a mere private dispute arising out of any commercial transaction or simple misdemeanour.

15. A bare reading of the FIR, details of which have already been discussed in the preceding paragraphs, *prima facie* reveals commission of cyber-crime/cyber-fraud whereby the amount was surreptitiously debited from the bank account of complainant while he was having a conversation with an individual presenting himself as a customer care executive, who had called the complainant from a mobile number. It remains undisputed that the said sum which had got debited from the complainant's bank account in Delhi had found its way into a bank account held by the petitioner in Ahmedabad, Gujarat. It is also not the case of either party that they were known to each other in past or that there was any history of previous transactions between them.

16. In today's digital era, cyber-crimes are proliferating at an alarming rate, leaving a trail of victims in their wake. Neither are cyber-criminals bound by restrictions of borders due to their global reach, nor do they discriminate among their victims, thereby targeting the elderly, the young, the businesses as well as the governments in the digital landscape. **The consequences of cyber-crimes go beyond individual boundaries, impacting numerous unsuspecting victims.** As brought to the knowledge of this Court during the course of arguments, the investigation so far has revealed that huge amount of money, totalling Rs. 28.17 crores has been credited to the bank account of present petitioner and it is to be investigated whether this amount also has been obtained through such illegal and fraudulent means and whether there are other victims of such cyber-fraud. The gravity of such allegations cannot be undermined, as they not only jeopardize the financial security



and trust of individuals on financial payment gateways/platforms, but also potentially expose the broader public to similar threats.

....

19. Therefore, considering the nature of the offence, the *modus operandi* adopted by the accused as discernible from the contents of FIR which indicates towards commission of a cyber-fraud, and the possibility of more victims having fallen pray to such cyber-fraud for which investigation is being carried out by the investigating agency, this Court does not deem it appropriate to quash the present FIR, when even the investigation has not been complete and chargesheet has yet not been prepared and filed.”

(Emphasis Supplied)

13. The Petitioners have not disputed the submissions of the State to the effect that the financial transactions which led to the filing of the subject FIR did not arise between the parties in normal course and this is not a case of a civil dispute which has been registered as a criminal offence. In the facts of this case prima facie the complainant is a victim of cyber-fraud. The Trial Court in its order dated 12.07.2024 has observed that a perusal of the credit transactions of the VIPS WALLET of the accused persons shows that there exists a multi-victim fraud at the hand of the accused persons and the Trial Court has directed the police officials to enquire about the other victims and file a supplementary charge-sheet. In fact, the order dated 12.07.2024 has been sent to the DCP concern by the Trial Court for acting upon the said directions and complete the investigation in a time bound manner.

14. The present petition has been filed subsequently on 10.12.2024 and the order of the Trial Court dated 12.07.2024 has not been disclosed in the petition. To this extent, the petition suffers from vires of suppression. It is apparent that by the way of the relief sought in the present petition the Petitioner are seeking to scuttle the further investigation directed by the Trial Court.



15. In the facts of this case, keeping in view the law noted above and the direction issued by the Trial Court on 12.07.2024 for further investigation, this Court is of the considered opinion that this is not a fit case for exercising its extraordinary jurisdiction as the offence committed by the accused is not a private offence vis-à-vis the complainant and there are multiple victims of the said cyber-fraud.

16. The judgment of Supreme Court in **Mohammad Wajid** (supra) relied upon by Petitioners is inapplicable to the facts of this case as in the said case the Court after analysing the allegations made in the FIR came to the conclusion on merits that the FIR fails to disclose commission of an offence and it was in this background that the Court proceeded to quash the FIR. However, in the facts of the present petition the quashing is being prayed for on the grounds of settlement and otherwise the FIR prima facie shows commission of the offence.

17. Accordingly, the petition is dismissed along with all pending applications.

18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MARCH 12, 2025/mt/AKT